

# Legal Communication & Rhetoric: JALWD

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## BOOK REVIEWS

### Advocacy Lessons from Legal Celebrities

Ross Guberman, *Point Made:  
How to Write Like the Nation's Top Advocates*

Lauren L. Fontana, reviewer

# Advocacy Lessons from Legal Celebrities

## Point Made: How to Write Like the Nation's Top Advocates

Ross Guberman (Oxford University Press 2014), 416 pages

Lauren L. Fontana, Reviewer\*

*Point Made* is a guide for lawyers looking to improve their writing skills. It is both entertaining and easy to read—two important qualities in a book that aims to provide writing tips to its readers. Though it may be too advanced for beginning law students who are trying to understand the differences between legal writing and how they may have written in undergraduate classes or previous careers, it can be extremely useful for upper-level legal writing students or practicing lawyers.

Ross Guberman uses excerpts of briefs written by “famous” lawyers<sup>1</sup> to provide writing guidance to less-than-famous ones. Guberman provides fifty different writing techniques, which he divides into five sections: “The Theme,”<sup>2</sup> “The Tale,”<sup>3</sup> “The Meat,”<sup>4</sup> “The Words,”<sup>5</sup> and “The Close.”<sup>6</sup> A

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<sup>1</sup> Any lawyer can state a claim to fame. Lawyers whose writing is featured include Ruth Bader Ginsburg, Barack Obama, John Roberts, Carter Phillips, and Ted Olson.

<sup>2</sup> ROSS GUBERMAN, POINT MADE: HOW TO WRITE LIKE THE NATION'S TOP ADVOCATES 1 (2014).

<sup>3</sup> *Id.* at 47.

<sup>4</sup> *Id.* at 91.

<sup>5</sup> *Id.* at 187.

<sup>6</sup> *Id.* at 301.

lawyer looking for writing tips can read the book from start to finish or can go directly to the section that provides the type of guidance the lawyer needs. The only pitfall in skipping directly to a later section of the book is that although Guberman uses multiple excerpts from the same brief throughout the book, he only provides background context for the case the first time he excerpts from the brief. Reading a brief excerpt without this context can sometimes cause the reader to get distracted by the missing background information, making the use of the excerpt less effective.

*Point Made* is fun to read, in large part because of Guberman's analogizing writing techniques to familiar, every-day experiences. He describes developing and modifying a theme in terms of loosely following a recipe while cooking: "Just as you alter the seasoning after sampling what you've cooked, so you can fine-tune your theme as you work through your argument and pore over the case law and record."<sup>7</sup> He compares crafting an introduction to watching the beginning of a movie, where "the camera pans over a grassy meadow or a crowded urban bar."<sup>8</sup> His writing style is casual, which makes reading *Point Made* feel more like reading a newspaper or magazine article than a formal legal writing text.<sup>9</sup>

Guberman's advice is undoubtedly helpful to a practicing lawyer looking for ways to polish her brief. He provides valuable tips regarding organizing the brief, including writing an effective introduction,<sup>10</sup> using "umbrella paragraphs,"<sup>11</sup> utilizing headings,<sup>12</sup> and drafting substantive conclusions.<sup>13</sup>

Guberman opens "The Words" by lamenting that most legal writing is a drag to read.<sup>14</sup> He contends that it does not have to be so awful,<sup>15</sup> and he goes on to provide tools to accomplish that goal. Among the most useful of those tools are handy reference lists lawyers can consult in order to spruce up their writing: "50 Zinger Words," which he describes as "a list of vivid verbs to spice up your advocacy writing;"<sup>16</sup> and "135 Transition Words and Phrases."<sup>17</sup> His suggestion to use the short, "pithy sentence"<sup>18</sup> interspersed with "the balanced, elegant long sentence"<sup>19</sup> can help lawyers draft briefs that the reader will not want to "throw . . . out the window and jump."<sup>20</sup>

7 *Id.* at 2.

8 *Id.* at 51.

9 In fact, Guberman advises the reader that, when writing a brief, she "want[s] to *sound* like a newspaper reporter." *Id.* at 5 (emphasis in original).

10 *Id.* at 51–56.

11 *Id.* at 107–08. Guberman explicitly rejects the term "road-map" to describe this brief explanation preceding an argument. *Id.*

12 *Id.* at 73–76; 93–102.

13 *Id.* at 307–12.

14 *Id.* at 188–89.

15 *Id.* at 189.

16 *Id.* at 198–99.

17 *Id.* at 274–77.

18 *Id.* at 227.

19 *Id.* at 235.

20 *Id.* at 188 (quoting GERRY SPENCE, *HOW TO ARGUE AND WIN EVERY TIME* 105 (1995)).

Guberman's advice is likely too technical for first-year law students trying to understand basic legal writing concepts and thus would not be appropriate for an introductory legal writing class. It—or parts of it—could, however, easily be used to teach students in an advanced legal writing course, or in a clinical setting. Guberman provides fifty exercises—corresponding with his fifty techniques—at the end of the book.<sup>21</sup> A professor working with upper-level writing or clinical students could easily use these exercises to provide focused instruction on a particular writing skill. For example, one of Guberman's "style" exercises challenges the writer to "[f]ind three different sentences that last for more than a line, and then shorten each one to seven words or fewer."<sup>22</sup> These types of quick exercises are useful to assist advanced students in polishing their work, but might be less helpful to the first-semester student who is still learning how to state a legal rule and apply the rule to a factual scenario.

To the extent that instructors are able to use this book in an upper-level classroom, it can help them teach students about transference of legal skills—a concept that many students find difficult to grasp. By using excerpts from briefs written in different types of cases to support a single piece of advice, Guberman (perhaps unintentionally) drives home the point that legal writing techniques are transferrable across substantive legal-practice areas. For example, when advising legal writers to "[e]nd the argument with a provocative quotation or pithy thought,"<sup>23</sup> as part of his advice on "The Close," Guberman provides excerpts from briefs written in equal protection, kickback, environmental, patent, and First Amendment cases.<sup>24</sup> Using this book, a student enrolled in an environmental clinic is therefore confronted with the idea that the writing skills he may develop in that clinic will be useful to him in his future career as an appellate public defender.

A practicing lawyer looking for a straightforward guide to improve his writing skills should definitely invest in a copy of *Point Made*. Likewise, an instructor working with upper-level legal writing students should consider incorporating at least parts of the book into her classroom. While perhaps not appropriate for introductory legal writing classes, the book has the potential to be extremely useful for those who have acquired basic legal writing skills and are looking to polish those skills or develop more advanced writing techniques.

21 GUBERMAN, *supra* note 2, at 363–68.

23 *Id.* at 303.

22 *Id.* at 367.

24 *Id.* at 303–06.